REMARKS

The Office Action dated August 27, 2007 has been received and carefully noted. The above amendments to the claims, and the following remarks, are submitted as a full and complete response thereto.

Claims 1, 4, 9, 13, 16 and 19 have been amended to particularly point out and distinctly claim the subject matter which is the invention. Claims 20 and 21 have been added. No new matter has been added. Claims 1-21 are submitted for consideration.

Claims 5, 7 and 12 were indicated to include allowable subject matter. Applicant thanks the Examination for indicating that claims 5, 7 and 12 include allowable subject matter. However, based on the arguments presented below, Applicant submits that each of claims 1-21 include allowable subject matter and requests that all of the pending claims be allowed.

Claims 1-4, 6, 8-11 and 13-19 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Publication No. 2003/0214970 to Pimentel (hereinafter Pimentel) in view of U.S. Publication No. 2004/0131083 to Arques (hereinafter Arques). According to the Office Action, Pimentel discloses all of the elements of claims 1-19 except for a bearer independent protocol providing access to bearers. Therefore, the Office Action combined Pimentel and Arques in an effort to yield all of the elements of claims 1-19. The rejection is traversed as being based on references that neither teach nor suggest the novel combination of features clearly recited in claims 1-4, 6, 8-11 and 13-19, and newly added claims 20 and 21.

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Claim 1, upon which claims 2-8 depend, recites a method including transmitting a messaging service message from a sender in a first system having a first structure for messages to a receiver of a second system having a second structure for the messages. The method also includes utilizing a bearer independent protocol in the transmission of the message between a server and a user equipment. The bearer independent protocol is above a bearer protocol in a protocol stack.

Claim 9, upon which claims 10-12 depend, recites a telecommunication system that includes a first system having a first structure for messaging service messages and a second system having a second structure for the messages. The system also includes a server via which a message is transmitted from the first system to the second system. The server is configured to utilize a bearer independent protocol in the transmission of the message from the first system to the second system. The bearer independent protocol is above a bearer protocol in a protocol stack.

Claim 13, upon which claims 14-15 depend, recites a server configured to utilize a bearer independent protocol in the transmission of a message from a first system having a first structure for messaging service messages to a second system having a second structure for the messages. The bearer independent protocol is above a bearer protocol in a protocol stack.

Claim 19 recites an apparatus includes utilizing means configured to utilize a bearer independent protocol in transmission of a message between a sender of the message and a receiver of the message. The bearer independent protocol is above a

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bearer protocol in a protocol stack. The apparatus is used for transmitting a messaging service message from the sender in the first system having a first structure for messages to the receiver of the second system having a second structure for the messages.

As outlined below, Applicant submits that the cited references of Pimentel and Arques do not teach or suggest the elements of claims 1-21.

Pimentel teaches a wireless application gateway for communicating between a wireless device and a backend system. The wireless application gateway includes an application programming interface, a protocol layer, a transport layer and a configuration file. The application programming interface receives a mobile-terminated message from the backend system and sends a formatted mobile-originated first protocol using a characteristic of the mobile-terminated message. The protocol layer generates formatted mobile-terminated messages using the first protocol and generates the formatted mobile-originated messing using a second protocol. The transport layer sends the formatted mobile-terminated message to a short message service center and receives the mobile-originated message. The configuration file includes a parameter used to choose the first and second protocols. The mobile-terminated message is sent to the wireless device using a static identifier of the wireless device and the mobile-originated message is sent to the backend system using a dynamic identifier of the wireless device. See at least paragraph 0014 and the Abstract.

Arques discloses that a mobile station is composed of an item of mobile equipment and a smart card SIM. Arques also discloses that communication <u>within</u> the mobile

station, that is, between the SIM card and the mobile equipment, is governed according to a bearer independent protocol defining a set of command and situations and enabling the SIM card to use communication means of the mobile equipment. See at least paragraphs 0007 and 0008 of Arques.

Applicant submits that the combination of Arques and Pimentel does not teach or suggest each element recited in claims 1-21. Each of independent claims 1, 9, 13, 19 and 20, in part, recites utilizing a bearer independent protocol in the transmission of the message, wherein the bearer independent protocol is above a bearer protocol in a protocol stack. Pimentel does not teach or suggest this feature.

Arques does not cure any of the deficiencies of Pimentel, as noted above. Arques discloses that UDP, TCP or WDP are used in the transmission of a message from a mobile equipment after the mobile equipment has received the message from the SIM card. Arques clearly states that "communication between the SIM card and the mobile equipment ME is governed according to the BIP protocol (Bearer Independent Protocol)" and that the "BIP protocol enables the SIM card to use the communication means of the mobile equipment ME". Thus, Arques teaches that the BIP is used only within the mobile station and that no bearer independent protocol is used in the transmission of a message from the mobile equipment.

Furthermore, Arques discloses that SIM card needs to be modified so that the SIM card can transmit sufficiently short messages in order to avoid their segmentation by the UDP layer of the host ME. Thus, Arques clearly teaches that a bearer (bearer protocol) is

used in the transmission of message from the mobile equipment, and that the transmission is not to be modified.

As noted above, Arques discloses that communication within the mobile station, that is, between the SIM card and the mobile equipment, is governed according to a bearer independent protocol. There is simply no teaching or suggestion in Arques of using bearer independent protocol between the mobile equipment and the network, as recited in the presently pending claims. Based on the teachings of Arques, one skilled in the art might conclude that Arques suggests the use of bearer dependent protocols between the mobile equipment and the network. Thus, the combination of Pimentel and Arques teaches the use of bearer independent protocols within a mobile station and the use of bearer dependent protocols elsewhere, contrary to the presently pending claims.

Specifically, as presented in the Response filed on June 6, 2007, the combination of Pimentel and Arques fails to teach or suggest utilizing a bearer independent protocol in the transmission of the message between a server and user equipment, the bearer independent protocol is above a bearer protocol in a protocol stack, as recited in claim 1, a server configured to utilize a bearer independent protocol in the transmission of the message from the first system to the second system, the bearer independent protocol is above a bearer protocol in a protocol stack, as recited in claim 9, utilizing a bearer independent protocol in transmission of a message between a sender of the message and a receiver of the message, the bearer independent protocol is above a bearer protocol in a protocol stack, as recited in claim 13 and utilizing a bearer independent protocol in

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transmission of a message between a sender of the message and a receiver of the message, the bearer independent protocol is above a bearer protocol in a protocol stack, as recited in claim 19. Therefore, Applicant submits that the rejection under 35 U.S.C. 103(a) should be withdrawn because neither Pimentel nor Arques, whether taken singly or combined teaches or suggests each element of claims 1, 9, 13 and 19 and hence, dependent claims 2-8, 10-12 and 14-15 thereon, at least because of their dependence on claims 1, 9 and 13, respectively, and because of additional limitations recited in each of claims 2-8, 10-12 and 14-15.

As noted previously, claims 1-21 recite subject matter which is neither disclosed nor suggested in the prior art references cited in the Office Action. It is therefore respectfully requested that all of claims 1-21 be allowed, and this application passed to issue.

If for any reason the Examiner determines that the application is not now in condition for allowance, it is respectfully requested that the Examiner contact, by telephone, the applicant's undersigned attorney at the indicated telephone number to arrange for an interview to expedite the disposition of this application.

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In the event this paper is not being timely filed, the applicant respectfully petitions for an appropriate extension of time. Any fees for such an extension together with any additional fees may be charged to Counsel's Deposit Account 50-2222.

Respectfully submitted,

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Enclosures: Request for Continued Examination (RCE) Transmittal
              Additional Claim Fee Transmittal
              Check No. 17392

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